THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.14270 of 2007

Date: 13.08.2007

Between:

Sanitary Worker's Human Welfare Society

....Petitioner

and

The Commissioner and others.

....Respondents

O R D E R:

The third respondent issued tender notice in the first week of February 2007, inviting tenders for undertaking sanitation services in the Area Hospital, Bhainsa. The petitioner, fourth respondent and two others submitted their tenders and the same were opened on 10.02.2007. While the fourth respondent quoted a sum of Rs.36,500/- to render the services, the petitioner quoted Rs.20.065/-. Two other tenderers quoted a sum of Rs.11,528/- and Rs.8,885/- respectively. Respondents 1 to 3 accepted the tender of the fourth respondent, through proceedings, dated 03.05.2007. The same is challenged in this writ petition.

It is contended that there was absolutely no justification for respondents 1 to 3 to accept the tender of the fourth respondent at Rs.15,000/- higher for every month. It is also stated that the members of the petitioner-society are themselves sanitation workers and in that view of the matter, no comparison ought to have been made with reference to minimum wages.

On behalf of respondent No.4, a counter-affidavit is filed. It is stated that the work involves engagement of 15 unskilled workers and a Supervisor apart from using of material worth

Rs.5,000/- per month.

Heard the learned counsel for the petitioner, learned standing counsel for respondents 1 to 3 and the learned counsel for the fourth respondent.

It is no doubt true that the amount quoted by the fourth respondent is substantially higher than the one quoted by the petitioner. Had it been a case where the acceptance of the tender is to depend exclusively upon the figures, the contention advanced by the petitioner could certainly have been accepted. The work of sanitation services involves at least 10 to 15 persons. Even if they are to be treated as unskilled labourers, their salaries would be more than Rs.2,000/- per month. The amount quoted by the petitioner does not satisfy even the minimum wages for 10 persons not to speak of the salary of any Supervisor or the cost of sanitation material. The third respondent has found the offer made by the fourth respondent reasonable and in accordance with the Minimum Wages Act; in comparison to the persons to be engaged to the work. Therefore, this Court is not inclined to accept the contention of the petitioner.

Another aspect of the matter is that it is not as if the amount quoted by the petitioner is the lowest as mentioned above. The lowest tender was for a sum of Rs.8,885/-, which on the face of it, is very unrealistic and unacceptable.

Therefore, the writ petition is dismissed.

The learned counsel for the petitioner submits that his client

undertook services till the end of April, 2007 and the amount for that period has not been paid, as yet. The third respondent shall ensure that the bills payable to the petitioner are cleared within three (3) weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

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13.08.2007

kdl